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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,709

03/17/2004

William Pan

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ROSENBERG, KLEIN & LEE

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ELLICOTT CITY, MD 21043

EXAMINER

SQUIRES, ELIZA A

ART UNIT

PAPER NUMBER

3626

NOTIFICATION DATE

DELIVERY MODE

01/23/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/801,709	<b>Applicant(s)</b> PAN, WILLIAM	
	<b>Examiner</b> Eliza Squires	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is in response to the application filed on 3/17/2004. Claims 1-37 are pending.

#### *Claim Rejections - 35 USC § 102*

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-4, 9-11, 13-21, 25-27, 30, 32-35, and 37** are rejected under 35 U.S.C. 102(a) as being anticipated by “Palmtops in the Operating Room” from the New York Times August 22, 2002 hereinafter referred to as *NYT*.

3. **As to claim 1**, *NYT* discloses a method for remote consultation, comprising:

employing a medical server to transmit a first medical report to a remote mobile communication apparatus via a wireless communication network (*NYT* paragraphs 1 and 2 as marked);

browsing the first medical report so as to produce a second medical report (*NYT* paragraphs 1 and 2 as marked); and

sending the second medical report back to the medical server (*NYT* paragraphs 1 and 2 as marked).

4. **As to claim 2**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the mobile communication apparatus is a portable apparatus (*NYT* paragraphs 1 and 2).

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5. **As to claim 3**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of employing the medical server further comprises:

employing at least a unit of medical equipment to produce the first medical report (*NYT* paragraphs 1 and 2 wherein a unit of medical equipment is a palmtop); and

storing the first medical report into the medical server (*NYT* paragraphs 1 and 2).

6. **As to claim 4**, see the discussion of claim 3, additionally, *NYT* discloses the method wherein the unit of medical equipment has a medical image instrument used to photograph an inner image of a human body to produce at least a medical image (*NYT* paragraph 1 wherein the palmtop has “photos and videos of procedures”).

7. **As to claim 9**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the first medical report comprises at least a medical image and a medical text (*NYT* paragraphs 1 and 2).

8. **As to claim 10**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus further comprises:

displaying the first medical report on a screen of the mobile communication apparatus (*NYT* paragraphs 1, 2, and 3 as shown).

9. **As to claim 11**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of browsing the first medical report is performed by using an input unit of the mobile communication apparatus (*NYT* paragraph 1).

10. **As to claim 13**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of browsing the first medical report so as to produce the second medical report

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is performed by using an input unit of the mobile communication apparatus to increase or modify a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

11. **As to claim 14**, see the discussion of claim 1 and 13, additionally, *NYT* discloses the method wherein the input unit is a text input key or a handwriting input device (*NYT* paragraphs 1 and 2).

12. **As to claim 15**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of browsing the first medical report comprises:

connecting the mobile communication apparatus with a remote medical apparatus (*NYT* paragraphs 1 and 2 wherein a mobile communication apparatus is an organizer and a remote medical apparatus is a server or another organizer or another computer);

sending the first medical report to the remote medical apparatus (*NYT* paragraphs 1 and 2);

consulting by using the first medical report and producing the second medical report by using the remote medical apparatus (*NYT* paragraphs 1 and 2); and

sending the second medical report to the mobile communication apparatus (*NYT* paragraphs 1 and 2).

13. **As to claim 16**, see the discussion of claim 1 and 15, additionally, *NYT* discloses the method wherein the mobile communication apparatus is connected with the remote medical apparatus in a wireless manner (*NYT* paragraphs 1 and 2).

14. **As to claim 17**, see the discussion of claims 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus has a medical report displaying device used for a

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user to browse the medical reports (*NYT* paragraph 1 wherein the report can be read on any computer wireless or otherwise).

15. **As to claim 18**, see the discussion of claim 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus has a medical report generating device used to increase, modify or vary a medical image or a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

16. **As to claim 19**, see the discussion of claims 1 and 15, additionally, *NYT* discloses the method wherein the remote medical apparatus is a computer (*NYT* paragraphs 1 and 2).

17. **As to claim 20**, *NYT* discloses a system for remote consultation, comprising:

at least a unit of medical equipment used to produce a first medical report (*NYT* paragraphs 1 and 2 as marked);

a medical server connected with the medical equipment for storing the first medical report (*NYT* paragraphs 1 and 2); and

a remote mobile communication apparatus connected with the medical server via a wireless communication network for accessing the first medical report for remote consultation and sending a second medical report back after the second medical report is produced (*NYT* paragraphs).

18. **As to claim 21**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the unit of medical equipment has a medical image instrument used to photograph an inner image of a human body to produce at least a medical image (*NYT* paragraph 1 wherein the palmtop has “photos and videos of procedures”).

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19. **As to claim 25**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the first medical report comprises at least a medical image and a medical text (*NYT* paragraphs 1 and 2).

20. **As to claim 26**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the medical server comprises:

a storage unit used to store the first medical report or the second medical report (*NYT* paragraphs 1 and 2);

a transceiver used to transmit the first medical report to the remote mobile communication apparatus via the wireless communication network and receive the second medical report from the remote mobile communication apparatus (*NYT* paragraphs 1 and 2);  
and

a processor connected with the storage unit and the transceiver for transmitting the first medical report (*NYT* paragraphs 1 and 2).

21. **As to claim 27**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the mobile communication apparatus is a portable apparatus (*NYT* paragraphs 1 and 2).

22. **As to claim 30**, see the discussion of claim 30, additionally, *NYT* discloses the system, wherein the remote mobile communication apparatus comprises:

a screen for displaying the first medical report (*NYT* paragraphs 1, 2, and 3 as shown);  
and

an input unit for browsing the first medical report so as to modify a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

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23. **As to claim 32**, see the discussion of claims 20 and 30, additionally, *NYT* discloses the system wherein the input unit is a text input key and a handwriting input device (*NYT* paragraphs 1 and 2).

24. **As to claim 33**, see the discussion of claim 20, additionally, *NYT* discloses the system further comprising:

a remote medical apparatus connected with the remote mobile communication apparatus for accessing the first medical report, producing the second medical report and sending the second medical report back to the remote mobile communication apparatus (*NYT* paragraphs 1 and 2).

25. **As to claim 34**, see the discussion of claim 20, additionally, *NYT* discloses the system wherein the remote medical apparatus is connected with the mobile communication apparatus in a wireless manner (*NYT* paragraphs 1 and 2).

26. **As to claim 35**, see the discussion of claims 20 and 34, additionally, *NYT* discloses the system wherein the remote medical apparatus comprises:

a medical report displaying device used for a user to browse the medical reports (*NYT* paragraphs 1 and 2); and

a medical report generating device used to modify or vary a medical text of the first medical report to form the second medical report (*NYT* paragraphs 1 and 2).

27. **As to claim 37**, see the discussion of claims 20 and 34, additionally, *NYT* discloses the system wherein the remote medical apparatus is a computer (*NYT* paragraphs 1 and 2).



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***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. **Claims 5-6 and 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *NYT* in view of U.S. Patent Application 2002/0188474 to *Collamore et al.*

30. **As to claim 5**, *NYT* discloses the method substantially as claimed in claims 1 and 3 above; however the reference does not disclose a medical report generate to combine medical images with text. *Collamore* discloses the method wherein the unit of medical equipment has a medical report generator used to combine medical images with a medical text to generate the first medical report (*Collamore* [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Collamore* so that a user will be better informed and therefore capable of making a better decision.

31. **As to claim 6**, see the discussion of claims 1, 3, and 5, additionally, *Collamore* discloses the method wherein the medical report generator is a computer (*Collamore* [0041]).

32. **As to claim 22**, *NYT* discloses the system substantially as claimed in claim 20 and 21 above, however the reference does not explicitly teach a specific type of medical image instrument. *Collamore* discloses the system wherein the medical image instrument is an ultrasound detector (*Collamore* paragraphs [0039] and [0041]).

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It would have been obvious to one of ordinary skill in the art to modify the system of *NYT* with *Collamore* since the combination would provide the user with more information from which a more informed decision can be made.

33. **As to claim 23**, *NYT* discloses the method substantially as claimed in claim 20 above; however the reference does not disclose a medical report generate to combine medical images with text. *Collamore* discloses the method wherein the unit of medical equipment has a medical report generator used to combine medical images with a medical text to generate the first medical report (*Collamore* [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Collamore* so that a user will be better informed and therefore capable of making a better decision.

34. **As to claim 24**, see the discussion of claims 20 and 23, additionally, *Collamore* discloses the system wherein the medical report generator is a computer (*Collamore* [0041]).

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35. **Claims 7-8 and 28-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *NYT* in view of U.S. Patent Application 2004/002305 to *Byman-Kivivuori et al.*

36. **As to claim 7**, see the discussion of claim 1, additionally, *NYT* discloses the method wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus. However, the reference does not explicitly teach using MMS to transmit data. *Byman-Kivivuori* discloses using a multimedia message service (MMS) to transmit the data (*Byman-Kivivuori* paragraph [0052]).

Since all wireless communications devices are required to use a service to send and receive data, and as discussed by *Byman-Kivivuori* there are a number of services that can be picked from to perform the same service (the exchange of data) examples include WAP, SMS, MMS, EMS, etc. It would have, then, been obvious to try, by one of ordinary skill in the art at the time of the invention to pick the MMS type service and incorporate it into the method of *NYT* since there are a finite number of identified, predictable solutions (types of communication service) to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

37. **As to claim 8**, see the discussion of claim 1, additionally, *NYT* discloses the method as claimed in the claim 1, wherein the step of employing the medical server to transmit the first medical report to the remote mobile communication apparatus executes a program to download the first medical report from the medical server (*NYT* paragraphs 1 and 2). However, the reference does not explicitly teach using Java to download a file. *Byman-Kivivuori* discloses using Java to download a program (*Byman-Kivivuori* paragraph [0057]).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of *NYT* with the use of Java to download a file of *Byman-Kivivuori* since the combination would improve the interoperability of the program among different computer platforms.

38. **As to claim 28**, see the discussion of claim 20, additionally, *NYT* discloses that the remote mobile communication apparatus access the first medical report. However, the reference does not disclose that it uses MMS. *Byman-Kivivuori* discloses the use of MMS (*Byman-Kivivuori* paragraph [0052]).

Since all wireless communications devices are required to use a service to send and receive data, and as discussed by *Byman-Kivivuori* there are a number of services that can be picked from to perform the same service (the exchange of data) examples include WAP, SMS, MMS, EMS, etc. It would have, then, been obvious to try, by one of ordinary skill in the art at the time of the invention to pick the MMS type service and incorporate it into the method of *NYT* since there are a finite number of identified, predictable solutions (types of communication service) to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

39. **As to claim 29**, see the discussion of claim 20, additionally, *NYT* discloses a system wherein the remote mobile communication device executes a program to download the first medical report from the medical server (*NYT* paragraphs 1 and 2). However, the reference does not explicitly teach using Java to download a file. *Byman-Kivivuori* discloses using Java to download a program (*Byman-Kivivuori* paragraph [0057]).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of *NYT* with the use of Java to download a file of *Byman-Kivivuori* since the combination would improve the interoperability of the program among different computer platforms.

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40. **Claims 12, 31, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over *NYT* in view of [www.palm.com](http://www.palm.com) website for the date April 2, 2002 obtained via [www.archive.org](http://www.archive.org) herein after referred to as *Palm*.

41. **As to claim 12**, see the discussion of claims 1 and 11, additionally, *NYT* discloses the method wherein the step of browsing the first medical report via a communication apparatus (*NYT* paragraph 1 and 2). However, the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

42. **As to claim 31**, *NYT* discloses the system substantially as claimed in claim 20 and 30 above, however the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

43. **As to claim 36**, *NYT* discloses the system substantially as claimed claims 20 and 34-35, however the reference does not explicitly teach that it is done by specific keys. *Palm* discloses a page-up key and a page-down key of the input unit of the mobile communication apparatus (*Palm*, see arrow).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NYT* with *Palm* since the combination would improve the ease of browsing.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. S./  
Examiner, Art Unit 3626  
1/6/09

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626